

The Examiner has now further required Applicants to elect a single disclosed species for prosecution on the merits. The Examiner has divided the subject matter into four species as follows:

Embodiment 1=Figures 2C, 3A-3G;

Embodiment 2=Figures 2D, 4A-4H;

Embodiment 3=Figures 2E, 5A-5F;

Embodiment 4=Figures 2F, 6A-6G.

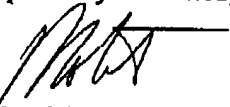
\* The Examiner asserts that these four embodiments represent patentably distinct subject matter of the claimed invention. Applicants hereby provisionally elect the subject matter Embodiment 3 directed to Figure 2E, 5A-5F. However, this election is traversed.

Applicants respectfully submit that the Examiner has made too fine a line of distinction between the subject matter of embodiments one through four. It is submitted that, at most, the Examiner should have divided the subject matter into two species, one drawn to Figures 2C/2D and one drawn to Figures 2E/2F. The subject matter of 2C/2D only differs in that one includes an inorganic dielectric and the other includes an organic dielectric. The subject matter of 2E/2F also contains this same difference. It is asserted that the election of species requirement of the present application to the Examiner's four species would be an unnecessary burden upon the Applicants and the Examiner's failure to follow the mandates of the statute and regulation would be a denial of due process. For these reasons it is respectfully urged that the election requirement be rescinded.

In addition since the method claims contain all of the limitations of the structure claims, the method claims should be rejoined under In Re Ochiai 37 USPQ2d 1127 and In re

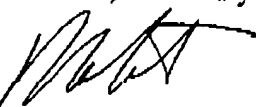
Brouwer 37 USPQ 1663.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 703-308-7722) on January 14, 2000.



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